

# Indictment Is Returned in Building Probe

Hayward Tells of Sifting of Lockwood Evidence at Month's Hearing of the Special Grand Jury

More True Bills Expected

James To Be Revealed Next Week; 62 Defendants Accused by Committee

Colonel William Hayward, United States Attorney for this district, announced yesterday that the Federal authorities have been sifting the revelations made by the Lockwood committee for the last six weeks with an eye to indictments under the Sherman anti-trust law, that a special grand jury has been sitting for a month to hear charges of illegal combination in the building trades and that at least one indictment already has been returned.

The names of those mentioned in this indictment will not be revealed until next week, probably Tuesday. There are known to be sixty-two defendants, thirty of which are corporations and thirty-two individuals. All are said to be large concerns in the East engaged in furnishing building supplies and materials.

This is the first original indictment returned by the special grand jury, as the action with regard to the cement industry was revealed some time ago. The investigation by the Federal authorities here to the Eastern part of the country. Three similar superceding indictments based upon the Lockwood revelations are expected shortly in other districts.

Many Indictments Expected

Colonel Hayward declared that many additional Federal indictments in the building trades will be revealed soon. The special grand jury is expected to return at least two months more to hear charges which Colonel Hayward and his special assistants have prepared. These special assistants were retained in July and since then have devoted all their time to the indictment proceedings. They are David L. P. Leland, E. J. and Benjamin L. Kish, all of whom took part in the litigation which arose out of the Lockwood investigation last winter.

Mr. Poddell recently successfully argued for the tenants the constitutionality of the rent laws in the Supreme Court of the United States and the Court of Appeals. He likewise represented the tenants and fought in support of the rent laws in all the other State and Federal courts where the question of constitutionality of the rent laws was involved.

Mr. Dyer was special counsel in the prosecution of Nettick, the Plumbers' Association and Stadtmiller and Moran, all cases which grew out of the Lockwood investigation. Mr. Kish was associated with Mr. Poddell in the prosecution of the briefs in support of the New York rent laws.

Not to Overlap State

Colonel Hayward, in discussing the situation yesterday, declared that it is not the intention of the Federal authorities to duplicate the work of the State prosecutors, where in associations or individuals have been indicted and punished. There is no Federal court action against them but they are pursuing the same tactics and are violating the Sherman law.

All of the records of the Lockwood committee, he said, "including all testimony and exhibits, have been placed at the disposal of this office. There is the fullest cooperation between the State and Federal authorities and the Lockwood committee. We are all working for the same end."

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propose to proceed vigorously against all infractions of the Sherman law.

"Our survey of the situation thus far discloses the holding in this community in practically all the streets, that prices of materials and labor have only slightly declined, and that a group of associations and combinations in the building trades have a strangle hold upon the building industry, which is in a large measure responsible for the prevailing high prices. The man on the street has to pay for the building of his home, for the apartment building, and further increases of rent are being sought by owners in October. It is undoubtedly true that many associations of manufacturers or other persons in the building trades in their practices have violated the Federal law.

"The public may be assured that the full power of this office will be placed behind the investigation, and that offenders will be prosecuted to the limit of the law."

**Shonts Will Admitted To Probate in Chicago**

**Action Made Necessary Because Part of Realty Involved Is Located in Illinois**

CHICAGO, Sept. 2.—The will of Theodore P. Shonts, who died in 1919, leaving most of his estate to his friend, Mrs. Amanda C. Thomas, was admitted to probate in the County of Cook, Illinois, yesterday.

It was necessary to file a copy of the will, which originally was probated in New York, in Chicago, because \$100,000 in real estate mentioned in the will is in Cook County.

The appearance of the Duchesse de Chaulnes, was sent from Bideford, England, and the signing was witnessed by Helena, the Duchesse de Manchester. In the appearance, the duchesse waives all further claim and right to contest the will and also approves of the appointment of the Guaranty Trust Company, of New York, as ancillary executor.

The will gives nothing to the widow except a portrait of herself and it acknowledges the debts of the estate. This, said the moving men, not only is an indication that New Yorkers rapidly are becoming converted to the "own-your-own-home" idea, but is another warning to landlords.

"Anything to beat the landlords" is the slogan now.

"Perhaps the most serious side to the situation is that the moving men are receiving many more orders for the placing of household goods in storage than was the case for previous seasons. This appears to them proof that many city dwellers, as compared to those in the suburbs, are being forced to break up their homes. In some instances they are making ready to 'double up' with other families, to live in the cheaper grades of furnished rooms, or to quit New York altogether.

There's not going to be much moving this year, as compared to former moving season," said Grant Wayne, secretary of the Van Owners' Association.

Out-of-Town Rush Unusual

"Considerably the great proportion of migration will be from the city to the suburbs to suburban homes purchased or built this summer by apartment house tenants determined to escape from the city, either by landlords. In all my experience I never before seen such plans for a rush to the suburbs as those now being made.

A small number of orders were getting for intercity moving of course indicates that many apartment tenants are going to remain where they are, and in a great number of cases are prepared to battle in the courts against landlords.

"A considerably increased number of orders for storage are being received. In these cases tenants have been driven to break up homes, either by 'doubling up' going into boarding houses and furnished rooms, or quitting the city.

Reflected in Leases

"Scores of tenants have come to me with the complaint that it was utterly impossible to break up apartments within the range of their pocketbooks."

The determination of tenants to "fight it out on the present line if it takes all winter" is reflected in the clause by which the tenants are now occupied by the Liberty branch of the New York Trust Company in the Equitable Building, at 120 Broadway. It will take possession about January 1.

**Metropolitan Trust Quarters**

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# Moving Mainly Will Be Out of Town This Year

Companies Operating Vans Say Decision to Give Battle to Landlords Is Cutting Down Business

Few Inter-City Changes

High Rents Blamed for Determination of Tenants to Hold Their Homes

Moving day, that bane of metropolitan household existence of former years, is going to be confined to a much smaller scope in its autumn reign of terror this year, it was found yesterday.

This information comes from no less an authority than the moving man, who is the Great Mogul on knowledge of such matters. The reason, he says, is that in a great many instances the citizen, weary unto exasperation, indignation and desperation over the demands of landlords, has dug himself into a trench, with the intention of battling for the retention of the apartment he now occupies.

In such cases, and their number appears to be legion, the public is fast coming to what might be termed "The Tenant's Last Stand," according to the moving man. Let the notices to vacate fall where they may, Mr. Citizen is going to stick where he is and let the Mayor's Committee and Rent Protectors and the courts decide who's right about it.

Some to Go to Suburbs

Of such moving as is going to be done, by far the greatest proportion, as compared to previous years, will be from New York City to the suburbs. This, said the moving men, not only is an indication that New Yorkers rapidly are becoming converted to the "own-your-own-home" idea, but is another warning to landlords.

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# Officer Who Protested Navy Order Must Be Tried

Denby Insists on Court Martial; Lieutenant Opposed Trip in Submarine Called Faulty

BOSTON, Sept. 2.—Secretary Denby insists that a naval officer who protests against an assignment to duty is subject to court-martial proceedings for conduct prejudicial to good order and naval discipline. A general court-martial, which raised the question when Commander George Marvell, commander of the submarine, was brought before it for trial, was relieved of the case by Secretary Denby to-day and a new court convened to proceed with trial of the charges.

Lieutenant Marvell, while at the submarine base at New London last April, was ordered to transfer from the O-9 to command the O-4 on a voyage to Norway. He protested that the O-4's machinery was defective and should not be operated until repairs were made.

The General Court-Martial Board, headed by Rear Admiral Benton C. Dyer, returned the matter to the Secretary Denby, with the opinion that the specifications did not constitute an offense subject to trial by court-martial.

**Commercial Plane Flyer Badly Hurt In Nose Dive Crash**

**Passenger Escapes Unhurt From Accident Which Occurs During First Trip After Purchasing Craft**

CAMDEN, N. J., Sept. 2.—Francis Stibach, twenty-two years old, of 232 Main Street, Johnstown, Pa., flying a commercial type biplane, lately purchased, for the first time, took a nose dive on the Delaware River bank in Haddon Township, Camden County, yesterday afternoon. He was seriously injured, and it was said at the West Jersey Homeopathic Hospital last night that he might die. Benjamin E. Thomas, twenty-eight, 87 Rosedale Street, Johnstown, Stibach's passenger, escaped unhurt.

Stibach was in the aviation force of the army during the war. He purchased the two-passenger plane from the Curtiss plant at Pine Valley, N. J. last week. He went with Thomas to get the machine from the manufacturer yesterday. The flight to Johnstown was made in safety, but Stibach started for Pine Valley, following the Camden River. Stibach said last night after being taken to the hospital that something went wrong with the controls.

Thomas, in discussing the accident, said that Stibach suddenly turned to him and shouted:

"I was out of control, Ben; look out for yourself!"

Immediately afterward, Thomas said, the machine dived. It crashed a few feet from the river. Thomas was unable to escape from the wreckage, but Stibach said forward when the plane dug its nose into the ground and was buried under debris.

Thomas said to release Stibach, but was unable to do so. He put out fire that started soon after the plane hit the ground and then ran to a road, enlisting the aid of several motor cars which happened to be passing. His position beneath the engine unconscious. Both legs were broken and his skull was fractured.

**District Attorney Swann Sells Big Estate at Montvale**

District Attorney Edward Swann sold his estate in Montvale, N. J., known as Berkley Hall, to John M. Larsen. It comprises an Indiana redstone mansion, 120 feet long, in the center of a tract of twelve acres. The property was sold completely furnished and it was said to have brought more than \$150,000.

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# Real Estate News

**Heavy Trading In Flats Cover Wide Territory**

**Two Houses in West 60th St. Recently Bought From Astor Estate Resold; Investor Buys in 159th St.**

J. Irving Walsh resold for George J. Johnstone to Hortense F. Worms 151 and 153 West Sixteenth Street, near Seventh Avenue, two five-story flats, 27 and 23x92x92 irregular, respectively. These are two of a row of six houses at the point recently acquired by the sellers from the William Waldorf Astor estate through the same brokers.

S. Widelitz purchased from Jacob J. Jolot the two five-story flats at 571-573 West 159th Street, 75x100, between Broadway and Amsterdam Avenue.

Joseph Rigerman sold to the Belt Realty Company 1840 Seventh Avenue, a five-story flat, 33x100.

Adolph de Lemas sold to Francis Reilly 216 East Third Street, a four-story flat, 25x102.2.

Mirjam Tashjian sold to the Constantine Carpet Cleaning Corporation 167 East Third Street, a four-story flat, 20x90.5.

Frances Youngflesh sold to John and Barbara Panzer 323 East Fifty-second Street, a four-story tenement, 20x100.5.

Sarah I. Steele sold to Thomas J. Nolan 58 West Ninety-third Street, a five-story flat, 25x8x100.8.

Clarey & O'Connell sold for Adolph de Lemas to Francis Reilly the four-story flat at 216 East Seventy-third Street.

Lydia B. Maler sold to Annie Croxin 349 East Seventy-seventh Street, a four-story tenement, 25x104.4.

Max Greenberg sold to David J. Berger 221 East Eighty-first Street, a five-story tenement, 25x102.2.

George L. Miller sold the five-story flat at 213 East 102d Street, 25x100.1.

George A. McDowell sold to Guglielmo Cline 50 West Ninety-third Street, a five-story flat, 18x100.8.

Woman Buys in Ninety-seventh St.

Sigmund and Fannie Orbach sold to Celia Klein 303-305 East Ninety-seventh Street, two five-story flats, 25x 100.1 each.

Rebecca Eiland sold to Henry and Rebecca Eiland 138 Eighth Avenue, a four-story store tenement, 17x50, south of Seventeenth Street.

Charles M. Prior sold to Harry Lubowitz the five-story flat with stores, 28x70, at 1683 Madison Avenue.

Marie and August Bourdon sold to J. Odell Whitenack 233 West Eighty-eighth Street, a three-story house, 25x 92.

The Wendover Grand Realty Corporation sold to Henry W. Remington Jr. 122 West 101st Street, a five-story flat with stores, 25x100.11.

Fannie Gilboff sold to Morris Reiter 56 East 101st Street, a five-story store tenement, 20x100.11.

The Lillian Bore estate sold to Rosalina Durso the four-story flat at 305 East 110th Street, 25x100.11.